THE BOMBAY TOWN PLANNING ACT, 1915 (BOM. I OF 1915).

G. N., G. D., No. 3772, dated 29th May 1916. S. 52.

Amended by G. N., G. D., No. 4566, dated 4th July 1916.
Amended by G. N., G. D., No. 740, dated 28th January 1919.
Amended by G. N., G. D., No. 2844, dated 30th June 1924.
Amended by G. N., G D., No. 2844, dated 2nd February 1925.
Amended by G. N., G. D., No. 6271, dated 8th July 1925.
Amended by G. N., G. D., No. 2844, dated 8th October 1928.
Amended by G. N., G. D., No. 2844, dated 26th July 1930
Amended by G. N., G. D., No. 6271, dated 27th November 1935.
Amended by G. N., G. D., No. 2119/33, dated 25th April 1938.
Amended by G. N., G. D., No. 3157/33, dated 2nd April 1941.
Amended by G. N., G. D., No. 3157/33, dated 31st October 1946.

In exercise of the powers conferred by section 52 of the Bombay Town Planning Act, 1915 (Bom. I of 1915), the Governor in Council is pleased to make the following rules, namely :—

1. In these rules unless there is anything repugnant in the subject or context,—

(*a*) words or expressions which are defined in the Bombay Town Planning Act, 1915, shall have the same meaning as in that Act, and

(*b*) "Section", "sub-section", and "clause" shall mean, respectively, a section, sub-section, or clause of that Act.

2. (1) The officer holding an enquiry into disputed ownership under section 4 shall, as such enquiry proceeds, record a minute of the proceedings in his own hand embracing the material averments made by the parties interested, the material parts of the evidence, the decision, and the reasons for the same.

(2) Such enquiry shall be in public and seven days' notice of the enquiry shall be given to the parties to the dispute.

3. Previous to entry under section 5 into any building or upon any enclosed court or garden attached to a dwelling house twenty-four hours' notice in writing shall be given to the owner or occupier thereof, unless the owner or occupier has given his consent to such entry.

4. Local authority's declaration of intention to make a scheme shall include a statement that if within one month from the date of publication in the *Bombay Government Gazette* any person likely to be affected by such scheme communicates in writing to the Government of Bombay any objection or suggestion relating to such scheme the Government of Bombay will consider such objection or suggestion.

5. A local authority in addition to publishing a declaration of intention to prepare a town planning scheme in the *Bombay Government Gazette*, shall further publish the declaration by means of an advertisement in one or more newspapers published in the regional language and circulating within the jurisdiction of the local authority, and by posting copies of the advertisement in prominent places in or near the area proposed to be included in the scheeme and at the office of the local authority. The

advertisement shall contain the local authority's resolution making such declaration and shall intimate that the plan of the area proposed to be included in the scheme is open for public inspection at the head office of the local authority during office hours.

6. (1) The local authority shall call one or more meetings of persons known to to have rights in land or buildings in the area included in a proposed draft scheme and of other persons known to be affected by the scheme, provided that tenants whose leases expire within a year of the date of the local authority's declaration of intention to make a scheme need not be called. Due notice of such meetings shall be given in the area subject to the jurisdiction of the local authority and shall be sent by post to all persons believed to have an interest in the lands included in the scheme, when their addresses are known to the local authority, and also to any Government Department, or public body concerned. Such meetings shall be held as soon as may be convenient after the Government of Bombay has sanctioned the making of the scheme, and unless their is good reason to the contrary on the land included in the draft scheme.

(2) At such meetings the proposed draft scheme shall be generally described and explained, and a minute of each meeting shall be kept.

(3) Where the number of persons likely to be affected by the scheme is large, the local authority should where possible promote the formation of one or more committees of representatives of such persons. In some cases it may be found advisable to appoint a member of the local authority to be chairman of each committee. Use should be made of such committees for the purpose of explaining the scheme to landowners, and for the purpose of discussion and consultation during the course of the preparation of a draft scheme under section 10.

(4) Before the final adoption of a draft scheme, all objections shall be carefully considered, and the proposed scheme shall, with due regard to the interests of the public, be modified so as to meet as far as is possible the wishes of persons interested.

(5) The publication of a draft scheme under section 10 of the Act shall be by means of an advertisement in the *Bombay Government Gazette*, and in one or more newspapers published in the regional language and circulating within the jurisdiction of the local authority, and by posting copies of the advertisement in prominent places in or near the area comprised in the scheme and at the office of the local authority. The advertisement shall state the fact of a draft scheme having been prepared and the limits of the area comprised in the scheme and shall intimate that a copy of the scheme is open for public inspection at the head office of the local authority during office hours. It shall also recite section 13 of the Act. The date of publication referred to in section 13 means the date on which the *Bombay Government Gazette* containing the advertisement is published.

7. A draft scheme shall contain in addition to the particulars specified in clauses (*a*) to (*e*) of section 11 the following particulars, namely :—

(*i*) A map on a scale not smaller than one inch to the mile showing the area included in the scheme and the country within at least 2 miles of that area on every side. Such map shall show in particlar all existing roads and lands proposed to be reserved or allotted for roads in the scheme and all existing and proposed means of communication of every kind.

(*ii*) A plan on a scale not smaller than 200 feet to the inch showing the original plots with identification numbers and all existing buildings.

(*iii*) A plan on a scale not smaller than 200 feet to the inch showing both the original plots and the manner in which it is proposed to alter the boundaries of original plots.

(*iv*) A plan on a scale not smaller than 200 feet to the inch showing the boundaries of plots as it is proposed that they will appear after the final scheme is executed such plots being numbered serially. This plan shall illustrate as far as possible, by means of colours, letters, and explanatory notes, or in some other convenient manner, all such provisions of the scheme as may properly be illustrated in a plan. It shall also show such levels or contours as may be necessary for a proper understanding of the scheme.

(*v*) A re-distribution and valuation statement in Form A showing the estimated amounts to be paid to or by each of the owners included in the scheme.

(*vi*) A copy of the estimates of all works contemplated in the scheme and a statement of the dates on which it is anticipated that the respective works will be completed. The approximation of dates must be correct to within six months and the local authority shall be bound by these dates in the case of owners whose contributions are affected thereby.

(*vii*) A statement in Form B explaining the finance of the scheme as estimated.

8. (1) The period within which a local authority shall submit a draft scheme to the State Government under sub-section (*1*) of section 14 shall be four months from the date of its publication under sub-section (*1*) or sub-section (*2*) of section 10, as the case may be :

Provided that the State Government may, if it thinks fit, extend such period by a further period not exceeding three months, on the application in writing of the local authority in that behalf.

(2) The local authority shall submit along with the draft scheme—

(*i*) copies of the minutes of meetings held under rule 6 and particulars regarding any representative committee appointed under that rule ;

(*ii*) particulars of the steps taken to consult owners in the preparation of the draft scheme ; and

(*iii*) particulars of the manner in which the draft scheme has been published under rule 6.

(3) The draft scheme and the papers referred to in sub-rule (2) shall be submitted in duplicate.

(4) The period within which the State Government may sanction or refuse to give sanction to a draft scheme under sub-section (*2*) of section 14 shall be twelve months from the date of its submission to the State Government under sub-section (*1*) of section 14.

9. A commencement certificate under clause (*a*) of sub-section (*1*) of section 15 shall be in Form C.

10. (1) A local authority, for the purpose of the enquiry referred to in clause (*c*) of sub-section (*1*) of section 15, shall serve a notice upon such person calling upon him to show cause why he should not be directed to remove, pull down or alter

any building or other work in the area included in a scheme in respect of which the provisions of clause (*a*) or clause (*b*) of sub-section (*1*) of the said section 15 have been contravened and fixing a date not earlier than seven days from the date of service of the notice, for the hearing of the case.

(2) The local authority, if it considers it expedient to do so, may appoint a committee of not less than 3 of its members to hear such cases.

(3) Any representation which may be made by the person served with the notice in person or by recognized agent on the day appointed or which may be received in writing by such day, shall be duly considered. A minute shall be kept of the proceedings by the presiding officer and the reasons for the decision shall be stated. The decision shall be signed by the persons passing it.

11. In the City of Bombay when an arbitrator has been appointed, the authority authorized by section 33 (2) to appoint the president of the tribunal of arbitration shall be forthwith requested to make such appointment and to communicate the name of the person appointed to the State Government.

12. The appointment of an arbitrator for a town planning scheme or of a president of a tribunal of arbitration shall be notified in the *Bombay Government Gazette*, and shall be communicated to the local authority concerned. The local authority shall, immediately on receiving from the State Government information of the appointment, post up at the office of the local authority and in some prominent place within the area of the jurisdiction of the local authority a copy of the Government Notification appointing the arbitrator or the President, and shall give in the copy their addresses.

13. The local authority shall render all reasonable assistance to the arbitrator and shall allow him to examine freely all papers, documents, and plans connected with the scheme.

14. *Procedure of the arbitrator—*

(1) Before commencing the preparation of the final scheme the arbitrator shall give notice of the date on which he will commence his duties and shall state therein the time, as provided in rule 15 within which the owner of any property or right is injuriously affected by the making of town planning scheme shall be entitled under section 21 to make a claim before him. Such notice shall be advertised in one or more newspapers published in the regional language and circulating within the jurisdiction of the local authority and shall be posted in prominent places at or near the area comprised in the scheme and at the arbitrator's office.

(2) After the date fixed in the abovementioned notice the arbitrator shall continue to carry on his duties as far as possible on all ordinary working days and during ordinary working hours.

(3) Special notice of at least twenty-four hours shall be served upon the persons interested in each plot or particular comprised in the scheme, before the arbitrator proceeds to deal in detail with the portion of the scheme relating thereto. The notice shall also be posted at the arbitrator's office. Such notice shall be given in the cases mentioned in sub-section (*1*), (*2*) and (*9*) of section 30 and in any other cases where any persons have not been sufficiently informed that any matter affecting them is to be considered.

(4) The arbitrator shall give all persons affected by any particular of the scheme sufficient opportunity of stating their views and shall not pass any decision till he has duly considered their representations, if any.

(5) The proceedings shall not be conducted with the formalities of judicial proceedings, but whenever there are conflicting claims or any difference of opinion with regard to any portion of the scheme the arbitrator shall record a brief minute in his own hand setting out the points at issue and the necessary particulars, and shall pass a clear decision with the reasons therefor. All such minutes shall be appended to the scheme.

(6) The arbitrator shall record and enter in the scheme every decision passed by him under sub-sections (*1*), (*2*), (*3*), (*7*) and (*8*) of section 30. The calculations and estimates required by sub-sections (*3A*), (*3B*), (*3C*), (*3D*), (*4*), (*5*), (*6*) and (*9*) of section 30 shall be fully set out and clearly recorded.

(7) The final scheme drawn up by the arbitrator shall contain the particulars specified in rule 7.

(8) The component parts of the scheme shall be so arranged that they may be readily referred to in connection with the map and plans.

14-A. The Head of the Town Planning and Valuation Department in respect of all town planning schemes in the State of Bombay may, in accordance with the final scheme drawn up by the arbitrator under section 30 and rule 14, issue a certificate in Form D specifying the area and boundaries of a reconstituted plot, the nature of the tenure of, and of the owner's title to such a plot and the name of the person to whom the plot has been allotted under the final scheme.

15. The time within which the owner of any property or right which is injuriously affected by the making of a town planning scheme shall be entitled under section 21 to make a claim before an arbitrator shall be three months from the date fixed in the notice given by the Arbitrator under sub-rule (*1*) of rule 14 for the commencement of his duties.

16. The period to be prescribed under sub-section (*2*) of section 24 shall be one month from the date on which the owner is directed by the arbitrator under sub-section (*1*) of section 24 to make payment.

17. The president of the tribunal shall, within one month of the date on which he receives from the arbitrator the proposals referred in section 32, appoint an impartial person as assessor under section 33, and shall report the name of the person appointed to the State Government. The fact that the tribunal has been constituted and the person constituting it shall be notified in the *Bombay Government Gazette*, communicated to the local authority concerned, and notified by the local authority in the manner prescribed in rule 12.

18. *Procedure of the Tribunal of Arbitration*—

(1) No business shall be transacted by the tribunal unless all the members are present.

(2) Where any member of the tribunal ceases to act under sub-section (*7*) of section 33, the tribunal shall proceed with any business in hand as soon as a new member is appointed and it shall not be necessary to transact any business *de novo* by reason of such change in the constitution of the tribunal.

(3) The tribunal shall record their reasons in writing in any case where the proposals of the arbitrator under clauses (*3-A*), (*3-B*), (*3-C*), (*3-D*), (*4*), (*5*), (*6*) and (*9*) of section 30 are modified, varied or rejected by them.

(4) Before each part of a scheme is taken into consideration the tribunal shall give such notice as they deem sufficient to the parties interested in such part.

(5) The tribunal shall meet and adjourn as they think proper with due regard to the despatch of business.

19. The publication by the Government of Bombay under section 40 of a notification relating to the final scheme forwarded by the arbitrator shall be by means of an advertisement in one or more newspapers published in the regional language and circulating within the jurisdiction of the local authority concerned, and by posting copies of the advertisement in or near the area included in the scheme and at the office of the local authority.

20. When a scheme is sanctioned by the Government of Bombay under sub-section (*1*) of section 40, the arbitrator shall without delay forward a copy of the scheme to the Superintendent of Land Records in order that the survey records may be corrected.

21. (1) The local authority shall proceed as follows against any persons liable to be summarily evicted under section 42. The local authority shall in the first instance serve a notice upon such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land, and, if such person fails to comply with the notice, the local authority shall depute an officer or servant to remove him.

(2) If such person resists or obstructs the officer,or, after eviction, re-occupies the land, the local authority shall prosecute him under section 188 of the Indian Penal Code.

22. A local authority before removing, pulling down, or altering any building or other work under clause (*a*) of sub-section (*1*) of section 43 shall give not less than seven days' notice of its intention to do so to the owner or occupier, if any, of such building or other work.

23. A local authority before executing any work under clause (*b*) of sub-section (*1*) of section 43 shall give not less than seven days' notice of its intention to do so to the person whose duty it is to execute the work.

23A. (1) Any local authority making an application for the variation of a scheme under sub-section (*1*) of section 45B shall state in such application all the particulars in respect of the variation to be made.

(2) If such variation affects any of the items in Form A (Redistribution and Valuation Statement) or Form B (Finance Statement), prepared in connection with the scheme an extract from Form A and a revised Statement in Form B, together with a plan showing the change or changes proposed to be made, shall be sent along with the application made under sub-rule (1).

(3) The application and the papers referred to in sub-rule (2) shall be sent to the State Government in duplicate.

(4) The publication of the draft variation under sub-section (*2*) of section 45B shall be made by means of a notification published in the *Bombay Government Gazette* and in two newspapers circulating within the jurisdiction of the local authority.

Such notification shall also state that any person affected by the draft variation may communicate in writing any objection to such variation to the State Government through the Collector and the Commissioner and that the draft variation shall be open to the inspection of the public at the office of the local authority during office hours. The State Government shall also supply the local authority with such number of copies of the notification, not exceeding 15, as the local authority may require and such copies shall be affixed by the local authority in prominent places within the area affected by the scheme and more particularly within the area affected by the draft variation.

(5) When a variation is made under sub-section (*6*) of section 45B, the Arbitrator, and where no Arbitrator is appointed, the Collector concerned, shall as soon as may be forward a copy of such variation to the Superintendent of Land Records who shall correct the Survey Records affected by the variation.

24. (1) Documents, plans and maps relating to a sanctioned scheme made by a local authority shall be open for public inspection at the head office of the local authority at any time during the office hours of the local authority for a period of six months from the date of the *Bombay Government Gazette* in which the sanction was published.

(2) All final town planning schemes, shall, on the expiry of the period mentioned in sub-rule (1), be lodged with the Town Planning and Valuation Department of the Consulting Surveyor to Government.

25. All notices required to be served upon any person under these rules shall unless otherwise provided be served as nearly as may be in the manner laid down in the Code of Civil Procedure, 1908, for the service of a summons on a defendant.

26. The proceedings of local authorities under the Bombay Town Planning Act, 1915, shall be regulated by the municipal or local law applicable to such authorities so far as may be consistent with the provisions of that Act and these rules.

27. Any person who contravenes any of the provisions of the Act or of a final scheme published under section 40 shall, on conviction, be punishable with fine which may extend to Rs. 1,000 and in the case of a continuing contravention with an additional fine which may extend to Rs. 10 for every day during which such contravention continues after conviction for the first such contravention.

FORM A.

(Rules 7 and 14)

TOWN PLANNING SCHEME No.

Redistribution and Valuation Statement.

ORIGINAL PLOT.							FINAL PLOT.			
					Value in Rupees.				Value in Rupees.	
									Undeveloped.	
Serial No.	Name of owner.	Tenure.	Number.	Area in square yards.*	Without reference to value of structures.	Inclusive of structures.	Number.	Area in square yards.	Without reference to value of structures.	Inclusive of structures.
1	2	3	4	5	6*a*	6*b*	7	8	9*a*	9*b*

Developed.							
Without reference to value of structures.	Inclusive of structures.	Demand from (+) or by (—) owner under section 19. Column 9*b minus* column 6*b*.	Increment (section 17). Column 10*a minus* columns 9*a*	Contribution (section 18) per cent. of column 12.	Addition to (+) or deduction from (—) contribution to be made under other sections.	Net Demand from (+) or by (—) owner, being the addition of columns 11, 13, 14.	Remarks.
10*a*	10*b*	11	12	13	14	15	16
		Rs.	Rs.	Rs.	Rs	Rs. —	
Total ..							

*Instead of a square yard a guntha or other suitable unit may be taken as the unit of area.

FORM B.

(Rule 7).

Finance of Town Planning Scheme No.
of the
(Name of local authority).

Date Rs.

Expenses under section 3 (*a*), (*b*), (*e*), (*f*) and (*g*) ... ...

Other expenses*—

Expenses shown in the redistribution and valuation statement (total of Col. 11 of Form A) ... ...
Cost of publication under section 9(2) and under section 10(*1*) (Rules 5 and 6) ...
Compensation under section 15 (2) ... ...
Legal expenses under section 16(c) ... ...
Compensation under section 21 ... ...
Cost of demarcation, salaries of arbitrator and Tribunal of Arbitration and their staff and other expenses under section 39 (2) ... ...

(*a*) Total ...

Total of increments (Col. 12 of Form A) Rs.
Proportion of increment to be contributed by each holder (section 18) %
(*b*) Total of the contributions under section 18, Rs.

Net cost of scheme to local authority [(*a*)—(*b*)] Rs.

*In detail (sections or authority to be quoted).

NOTE.—The sign (—) before an item of expense indicates that the amount is payable to the local authority.

Particulars should be inserted showing how the net cost of the scheme to the local authority is proposed to be met.

FORM C.

(Rule 9).

COMMENCEMENT CERTIFICATE.

Permission is hereby granted, under section 15 of the Bombay Town Planning Act, 1915 (Bombay I of 1915),

to*

to†

on the following conditions, *viz.*,

*Name of person.
†Description of work.

FORM D.

BOMBAY TOWN PLANNING ACT, 1915.

Certificate of Tenure and Title.

Town Planning Scheme ‡ No.—

[Sanctioned under Government Notification, Department, No. , dated the 19 , and published at page of *Bombay Government Gazette*, dated]

A. G. or Sq. Yds.

Final Plot No. Area

Reputed owner Mr.

Present occupant holding the land on years lease

since *Date* Mr. §

Sketch of Final Plot No.

(Here enter the sketch).

Tenure.—Ordinary Rayatwari or Inam or any other as the case may be with reference to original plots. (If there are different tenures for different portions of the whole plot these will be shown separately on the plan being divided by a think chain line).

Title.—(Here describe the nature of the owner's title as found by the Arbitrator or Special Officer appointed under section 4 of the said Act).

Rights.—(If the owner of the plot has any special rights transferred to his final plot from the original plot or any new rights given to him under the scheme these may be entered here).

Disabilities.—(Rights of any other owner or person over this plot such as mortgage or easement, etc., may be entered here).

Note.—(1) The above plot shall be held subject to all the restrictions and regulations specified in the above Town Planning Scheme as finally sanctioned and published by Government under Notification No. , dated , and as regards *assessment* subject to the provisions of the Bombay Land Revenue Code, 1879, and of the rules and orders from time to time issued thereunder.

(2) No buildings or excavations or any other alterations shall be carried out in the above plot except with special written permission of the local authority having jurisdiction over the area at the time and in accordance with the provisions of the said Scheme.

(3) The holder of this certificate may apply to the Collector to have the amount and nature of the assessment and the period of guarantee shown on the certificate. The Collector's endorsement shall declare that non-agricultural assessment is, except in the case of inam land, liable to revision should the land be appropriated to any non-agricultural use—section 48 of the Bombay Land Revenue Code, 1879.

(4) Any other special regulation in respect of the above plot.

This certificate is granted under rule 14A of the rules under the Bombay Town Planning Act, 1915, as a *prima facie* proof of the tenure and title of the owner above named and shall be valid unless declared otherwise by a decree from a Civil Court within the period of limitation from the date hereof, by and under the hand and seal of the Consulting Surveyor to Government

This day of One thousand nine hundred and A.D.

Collector, Bombay Suburban District'

Consulting Surveyor to Government

Collector, Bombay Suburban District.

‡ Enter name of place.

§ This should only be entered if the land is held on a building lease for a period of at least 30 years.